

App. No. 10/065,738
Amendment dated May 26, 2004
Reply to Office action of December 29, 2003

REMARKS

Summary of Amendments

- Paragraph 0101 of the specification has been amended as kindly suggested by the Examiner in the penultimate sentence on page 8 of the present Office action.
- Claims 1 and 6 have canceled. Claims 3 and 8 have been rewritten to include all of the limitations of claims 1 and 6. Furthermore, the dependencies of claims 4 and 5 as well as of claims 9 and 10 have been accordingly amended so that these two pairs of claims depend respectively from claims 3 and 8.
 - In Applicant's previous amendment, submitted March 29, 2004 but not entered, the recitation "a magneto-optical section . . . for selectively rotating the polarization plane of incident light of at least two wavelengths" was proposed. In commentary generously supplied in the note on the "Continuation Sheet" appended to the Advisory Action, the Examiner writes, "a new issue would be raised as to the meaning of 'selectively rotating' as proposed."
 - Accordingly, in rewriting claims 3 and 8 for the present amendment, the term: "selectively" has been omitted from the recitation "two magneto-optical parts for rotating the polarization plane of incident light of at least two wavelengths."
- Claim 16 has been revised to recite an "*amorphous* diamond-like carbon thin film." Claim 17 has in turn been amended to accord with this revision to claim 16.

Objections - Specification

The specification has been objected to for failing to provide antecedent basis for the recitation in claims 1 and 6 of a "selectively resonant structure."

Claims 1 and 6 have been cancelled. In rewriting claims 3 and 8 to incorporate the limitations of claims 1 and 6, the term "selectively" has been omitted from the phrase "a selectively resonant structure" in the recitation "dielectric multi-layer films . . . disposed on each side of said magneto-optical section in an arrangement . . . predetermined to create a resonant structure."

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Claim Rejections - 35 U.S.C. § 102

Claims 16 and 17; Anthony et al. '731

Claims 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,273,731 to Anthony et al.

As noted in Applicant's reply to the previous office action in the present application, Anthony et al. is directed to—and only to—*polycrystalline diamond* films.

The inventive subject matter as recited in claim 16 is directed exclusively to *amorphous* (non-crystalline) DLC thin films. Nevertheless, in the present Office action, the Examiner has pointed out that the expression "diamond-like carbon" as used in claim 16 of the present application could be construed by usage in the art as encompassing crystalline diamond forms. Moreover, at the end of page 7 and continuing to the top of page 8 of the Office action, the Examiner has written that while he concurs that Anthony et al. disclose only *polycrystalline* diamond films, "the recitation of hydrogen in [Applicant's claimed] film is clearly insufficient to distinguish over crystalline or polycrystalline films."

In response, Applicant has amended claim 16 to recite an "*amorphous* diamond-like carbon thin film." In addition, the recitation "incorporating hydrogen" has been deleted.

Accordingly, it is believed that the present revision of claim 16 is sufficient to disclaim diamond-like films such as they may be understood to be inclusive of crystalline films, and that Anthony et al. do not anticipate the diamond-like carbon thin film of the present invention as recited in claim 16.

Applicant's previous reply noted:

In the present specification, the term "amorphous" is not used, but because low-temperature CVD deposition *cannot* result in mono- or polycrystalline diamond, it is respectfully submitted that persons skilled in the art would expect the low-temperature CVD deposition[,] used in the present invention [in order] to produce the claimed DLC film[,] to be capable *only* of producing amorphous DLC.

In turn, in the present Office action the Examiner wrote:

Thus, it appears that one of ordinary skill would have recognized that the . . . method . . . disclosed in the instant specification *inherently* yields only *amorphous* diamond-like carbon films.

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It is noted that the amendment made to claim 16 is to comply with a requirement of form as set forth by the Examiner, and that the amendment finds support for the reasons the Examiner has described and in paragraph 0101 now amended as suggested by the Examiner. Furthermore, it is respectfully submitted that claim 16 now recites subject matter of the present invention in a manner sufficient to distinguish that subject matter over the Anthony et al. reference.

It is furthermore noted that Item 4 on the main page of the Advisory Action states "claims 16 and 17 (subject to an update search) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims." Since the present amendment fulfills the conditions therein stated, it is respectfully submitted that claims 16 and 17 are allowable.

Claims 1, 5, 6 and 13: Matsushita et al. (2002/0063941A1)

Claims 1, 5, 6 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. Pub. No. 2002/0063941 A1 to Matsushita et al.

Claims 1 and 6 have canceled, and claims 3 and 8 have been rewritten to include all of the limitations of their respective base claims, namely, claims 1 and 6.

In every Office action on the merits in the present case, particularly as noted on page 9 of Paper No. 6, a second non-final Office action in this application, claims 3 and 8 have been indicated as being allowable.

In the final Office action the Examiner states, "The structure disclosed for selecting multiple wavelengths distinguishes over that of Matsushita et al."; and in the Advisory Action the Examiner states, "Although the disclosed invention has distinguishing structural characteristics, such features are not yet proposed to be included in the claims."

It is believed that the limitations of claims 3 and 8, now rewritten as independent claims, restrict the claimed scope of the aspects of the present invention recited therein more than enough to distinguish over the Matsushita et al. reference.

Claims 5 and 13 have been amended to depend from claims 3 and 8 respectively. Accordingly, because the cancellation of claims 1 and 6 obviates their rejection, and because claims 5 and 13 now depend from claims 3 and 8, which have been rewritten in the form as indicated by the Examiner to be allowable, it is respectfully submitted that the rejection of claims 1, 5, 6 and 13 under this section of the final Office action has been overcome.

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Claim Rejections - 35 U.S.C. § 103

Claims 4 and 10: Matsushita et al. in view of Ricoh (JP 11-030770 A)

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) over the Matsushita et al. reference in view of Japanese Pat. App. No. Pub. H11-030770 in the name of Ricoh Co., Ltd.

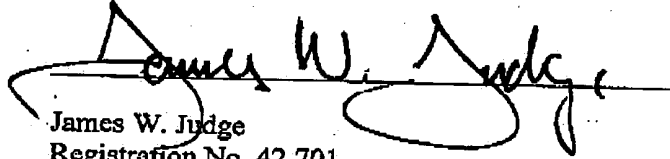
Claims 4 and 10 have been amended to depend from claims 3 and 8 respectively. Accordingly, it is respectfully submitted that claims 4 and 10 should each be held allowable as depending from an allowable base claim, and therefore the rejection under this section of the final Office action has been overcome.

It is believed that the present amendment places the application in condition for allowance by canceling claims and complying with requirements of form expressly set forth—with regard to claim 16, in the previous, final Office action on the merits, and with regard to claims 3 and 8, in all previous actions.

Accordingly, Applicant courteously urges that this application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

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